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HARRISON, ALLAN KOLLING, TOM KLATT  
and SUSAN VON SEEBURG  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
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13 CHRISTINE CHANG, individually and as  
14 Guardian ad Litem for ERIC SUN,  
disabled,  
15 Plaintiffs,  
16 v.  
17

18 ROCKRIDGE MANOR  
CONDOMINIUM, et al.,  
19 Defendants.

Case No. C-07-4005 EMC

20 **DECLARATION OF CONSTANCE  
PEPPERS CELAYA IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS  
PURSUANT TO FRCP 12(b)(6) OR, IN THE  
ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT [F.R.C.P. 56]**

21 Date: April 23, 2008  
Time: 10:30 a.m.  
Courtroom: C  
Judge: Magistrate Judge Edward M. Chen

22 I, CONSTANCE PEPPERS CELAYA, declare:

23 1. I am currently the Senior Public Safety Dispatcher in the UC Berkeley Police  
Department where I have been employed since 1978. I have been employed as a dispatcher in the  
department for fifteen years. I have personal knowledge of the following facts and could and  
would testify thereto in court if called upon to do so.

24 2. In connection with Ms. Chang's allegations in the Amended Complaint concerning  
alleged communications at the September 16, 2005 hearing on Ms. Chang's "Motion to  
Vacate/Set Aside Judgment," the only persons who appeared at that hearing were Ms. Chang, Mr.  
Sun and me. None of the other named defendants (Chancellor Birgeneau, Susan Von Seeburg,  
Victoria Harrison, Adan Tehada, Tom Klatt and Allan Kolling) appeared at the hearing and I had

no communications (verbal or written) with any of the named defendants about the hearing before or after the hearing. I have had no contact, either written or verbal with Plaintiffs since the September 16, 2005 hearing and have never made any representations to Ms. Chang (either in writing or verbally) about providing her with any portion of my personnel file, including my training records.

3. I did obtain a computerized printout of the training I had undergone before I became a dispatcher at the UCB Police Department. I took that printout to the September 16, 2005 hearing and showed the printout to Judge Castellanos at the hearing. Judge Castellanos looked at the document and returned it to me. There was no instruction by the court to provide a copy of the record to Ms. Chang at any time. I have had no communications with Judge Castellanos since the conclusion of the September 16, 2005 hearing other than receipt of Judge Castellanos order denying the motion as untimely and for plaintiff's failure to provide good cause for the motion to be granted on the merits. (See Exhibit C to Request for Judicial Notice in Support of Motion to Dismiss (original complaint) filed on October 17, 2007).

4. In connection with Ms. Chang's allegations concerning her receipt of parking citations, at no time did I have any communications with any traffic enforcement officer about Ms. Chang and at no time did I ask or instruct any traffic enforcement officer to cite Ms. Chang with a parking ticket while on the U.C. Berkeley campus.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
14th day of March, 2008 at Berkeley, California.

/s/ Constance Peppers Celaya  
**CONSTANCE PEPPERS CELAYA**